



## Regulatory Relief for Retail Gas Stations

### Emergency Planning and Community Right-to-Know Act, Sections 311 and 312:

**There is a change in your federal EPCRA Sections 311 and 312 inventory reporting requirements. If your tanks hold less than 75,000 gallons of gasoline or 100,000 gallons of diesel fuel - and you are in compliance with Underground Storage Tank requirements - you no longer have to report these inventories annually to SERCs and LEPCs. This change applies only if you store your fuel entirely underground and you are not subject to tougher state requirements.**

### What's New?

EPCRA Section 312 requires facilities to provide state and local officials with annual hazardous chemical inventories to support public awareness of chemical hazards and local emergency planning.

Retail gas stations that store gasoline and diesel fuel entirely underground *and* are in compliance with Underground Storage Tank (UST) requirements are subject to new reporting thresholds under this regulation: 75,000 gallons for all grades of gasoline combined and 100,000 gallons for diesel fuel. Convenience stores and truck stops that sell gasoline or diesel fuel to the public also meet the definition of "retail gas stations."

Retail gas stations meeting these criteria will not have to file gas and diesel inventory reports for calendar year 1998 that are due March 1, 1999.

### Why Take This Action?

EPA eliminated reporting on gasoline and diesel inventories for the majority of retail gas stations because:

- The public and local emergency planners and responders generally are aware of the presence and the hazards associated with gasoline and diesel fuel at these businesses.
- Retail gas stations already report information to state offices under UST performance requirements that can be used for emergency planning. These UST notification reports include the location and capacity of the tanks, as well as structural information about the tanks.
- The risk of emergencies (i.e. ignition of leaking fuel) is reduced when gas and diesel fuel are stored in tanks that are entirely underground and are in compliance with UST requirements.

### Important Reminders

Even if you meet all the criteria for the new thresholds, you still will be required to report chemical inventory information if:

- Your State has adopted tougher reporting requirements than the



federal government for gasoline and diesel fuels.

Be sure to check with your State Emergency Response Commission (SERC) and Local Emergency Planning Commission (LEPC) about whether you still need to report.

- Your local firefighters, SERC or LEPC request information on your inventory of gasoline and diesel fuels. The threshold is zero for reporting in response to such a request.

## UST Compliance is Key

Your underground storage tanks must be in full compliance with UST requirements (whether federal regulations or those of an EPA-approved state) to qualify for the new higher thresholds. This includes the December 22, 1998, requirement that substandard tanks be upgraded to meet current performance standards, replaced with new tanks, or taken out of service. Owners or operators of tanks that are out of compliance may face enforcement actions. More information on UST programs can be found on the Internet via EPA's UST home page at <http://www.epa.gov/oust/>

Remember, compliance with UST requirements is not enough to ensure relief from EPCRA reporting requirements. The UST requirements apply to both partially- and completely-underground tanks, while the new EPCRA thresholds apply only to storage tanks that are **completely** underground.

## Other Revisions to EPCRA

Today's final rule addressed just one of a group of proposed changes to EPCRA

that EPA published in June 1998.

The other proposals included greater reporting flexibility and the elimination of routine reporting requirements for gravel, sand, rock salt, and other materials that pose minimal hazards to communities. A number of industries that also store gasoline and diesel fuel have asked for similar regulatory relief. EPA has not reached a final decision on these other issues.

## Where Can I Find Out More?

For more information on how these changes may affect you and how to get in touch with your State about its own reporting regulations, call EPA's RCRA, UST, Superfund & EPCRA Hotline at:

(800) 424-9346 or (703) 412-9810  
TDD: (800) 535-7672  
Mon-Fri, 9 am to 6 pm, E.T.

The text of the final regulation creating this change (including a summary of EPA's response to comments on the original proposal) has been published in the *Federal Register*. A copy of the *Federal Register* notice is available on EPA's Chemical Emergency Preparedness and Prevention Office Internet homepage at <http://www.epa.gov/ceppo/>

This factsheet briefly outlines changes to Section 312 of the Emergency Planning and Community Right-to-Know Act. You must read the final regulation itself to see if this rule applies to you and whether you qualify for regulatory relief.

